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ABSTRACT

This guide is designed to provide assistance to business and industry when they engage in work-based learning programs, especially those targeted toward high school students. It is intended as a source of information regarding the basic provisions of child labor, safety and health, and liability. The guide identifies potential problems and provides business and industry with guidelines, resources, and next steps for developing solutions. It discusses why youth should be engaged in work-based learning. Then the guide describes what work-based learning is. It provides program models and outlines the role of youth at the worksite. Separate charts list unpaid roles (not considered employees) and paid roles (considered employees) with corresponding definitions and program examples. Three primary areas of potential risks involved with the participation of youth in the workplace are discussed: regulatory compliance, injuries to participants, and participant negligence. The final section focuses on managing risks through a risk management plan. It covers risk control guidelines, risk management plan components, risk financing guidelines, insurance coverage, and liability shields. Contains 14 references. (YLB)

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ED 408 475

A Guide to Work-Based Learning:

Business and Industry Risk Management Plan

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June, 1996

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PURPOSE OF THIS GUIDE

The purpose of this document is to provide guidance to business and industry when they engage in work-based learning programs, especially those targeted toward high school age students. The profusion of laws, regulations, liability, and risk management issues which face business and industry present a compelling case for a ready source of information regarding the basic provisions of child labor, safety and health, and liability.

Unfortunately, this guide will not provide all the answers. Liability rules vary by industry sectors, insurance needs are specific to the type of program activities, and risk management strategies need to be jointly developed with school partners. Our objective in developing this guide is to identify potential problems and provide business and industry with guidelines, resources, and next steps for developing solutions.

Information in this guide is general description only and does not carry the force of legal opinion. Any risk management plan developed for a work-based program should always be reviewed by legal and risk management experts before implementation.

This guide may raise as many questions as it answers. Your comments and feedback are needed so that we can create an expanded and improved version in the future.

WHY ENGAGE YOUTH IN WORK-BASED LEARNING?

As businesses and industries in Michigan confront the challenges of a competitive and global economy, a lesson can be learned from competitors in other countries. Their economic partners (business, labor, and government) have placed a high value on the development of their workforce and have worked together to maximize the productivity of their workers, including participating with schools to motivate and prepare youth.

Another lesson can be learned from a national survey[1] about practices and expectations of employers in their development of a skilled and proficient workforce. The companies surveyed who made investments in schools and who participated in work-based programs that brought youth into the workplace, were also the most competitive companies. Their workforces displayed certain characteristics. They were more likely to:

- have more years of schooling,
- use computers as part of their job,
- use job rotation, benchmarking, and other total quality management tools,
- have reported an increase in the skill requirements for their current jobs.

Engaging youth in structured, well organized programs at the workplace is a strategy that successful businesses and industries use in their efforts to develop a skilled workforce.

[1](National Center on the Educational Quality of the Workforce, University of Pennsylvania, 1995)

WHAT IS WORK-BASED LEARNING?

Work-based learning is a combination of school-based preparation and actual work experiences designed to enable students to acquire attitudes, skills, and knowledge for career and other life roles in real work settings.

Work-based learning is acclaimed for its ability to help youth and adults:

- strengthen broad social and technical skills,
- develop personal responsibility,
- explore career options,
- gain job/site specific skills,
- foster positive relationships with adults, and
- understand the relevance of and application to academic learning.

Program models

There is an extensive range of operational patterns, purposes, and program titles of school- and community-sponsored programs in Michigan that are considered work-based learning.

Work-based learning programs can involve youth and adults as observers, trainees, or employees and can be for time periods ranging from an hour a day

to half-day sessions, to several days, one to three weeks, a semester, an entire school year, or during summer months.

Paid work-based learning programs usually are at least one semester in length. Unpaid work-based learning programs involve students as observers or trainees in situations ranging from an hour, a day, three weeks, to as long as one semester in length.

Career Awareness\Exploration Programs

The major types of work-based learning programs for students in Michigan high schools, area vocational-technical centers, community agencies, and community colleges with a focus on career awareness and exploration are field trips, job shadowing, and service learning (volunteer).

Occupational Training Programs

The major types of work-based learning programs for students in Michigan high schools, area vocational-technical centers, and community colleges with a focus on occupational learning are contracted instruction, cooperative education, school-to-apprenticeship, and apprenticeship

Role of youth at the worksite

The applicability of many of the employment and child labor laws depends on whether a participant involved in worked-based learning has the role of a student, volunteer, trainee, and/or employee. The participant's status is critical in the design, implementation, and monitoring of all work-based experiences.

Any work-based learning participant at a business or industry worksite will usually have one of the following worksite roles outlined in the charts on following two pages:

Unpaid roles (not considered employees)

Worksite Role	Definition	Program Examples:
Student/Visitor (non-employee)	Participant visits the worksite to observe and learn about a career, work activity, or other aspects of an industry. Key points: • School sponsored • Guidelines established • Roles & responsibilities detailed • Parent permission obtained • Designed to be part of school or guidance curriculum • Worksite activities detailed • Without pay	• Field Trip • Job Shadowing • Day-on-the-Job

Volunteer (non-employee)	Participant serves unpaid for public service or humanitarian objectives.
	
	Key points:
	• Sponsored by non-profits only
	• Commercial businesses may not use unpaid volunteers
	• Participants can't be required to volunteer
	• Roles & responsibilities detailed
	• Activities detailed
	• Youth volunteers need work permits in Michigan
		• Service Learning activity
		• Community Service
		• Service Clubs:
		  • 4-H
		  • Boy Scouts
		  • Girl Scouts
		• Volunteer programs:
		  • Hospitals
		  • Nursing homes
		  • Charitable organizations
		  • Governmental agencies

Unpaid Trainee (non-employee)	Participant is trained at a business/industry worksite without compensation. Company permits student to work under direct supervision to gain exposure to a particular occupation. Six criteria of a trainee must be continually met.
	
	Key points:
	• Six criteria must be met:
	  1. progressive training
	  2. benefit of trainee
	  3. no displacement of regular employees
	  4. no direct benefits to employer
	  5. no job entitlement
	  6. no wage entitlement
	• Guidelines established
	• Roles & responsibilities detailed
	• Worksite activities detailed and monitored for compliance
	• Contract/agreement needed between employer and school sponsor
		• Contracted instruction:
		  1. Less-than-Class Size
		  2. Individualized Vocational Training
		• Unpaid work experience
		• Exploratory Experience
		• Unpaid Trainee

Paid roles (considered employees)

Worksite Role	Definition	Program Examples:
Student/Learner (employee with training agreement)	Participant is enrolled in a course of study and training in a cooperative training program under a recognized state or local educational authority or private school. Key points: • Training agreement in place • Training plan in place • Monitored by school personnel • Educational credit given • Exempt from state child labor provisions, but not federal • Hazardous exemptions allowed under certain conditions • There is a beginning and ending date for the employment	• Cooperative Education Plans: 1. Occupational 2. Work-Study (special education) 3. Summer Cooperative Education
Apprentice (employee with written apprenticeship agreement)	Participant is employed in a craft recognized as an apprenticable trade and is registered by the Bureau of Apprenticeship and Training in accordance with the standards established by the Bureau. Key points: • Training agreement in place • Training plan in place • Monitored by school personnel • Educational credit given • Sponsored by employers or labor/management • Exempt from state child labor provisions, but not federal • Hazardous exemptions allowed under certain conditions	• School-to-Apprenticeship • Registered Apprenticeship
Employee (minor needs work permit)	Participant is hired by private or public employer to perform work. Employment is not monitored by a school or other public agency. Key points: • Work permit needed for minors • Minor's employment must comply with state and federal child labor law provisions • Employment has no ending date	• Part-time employee • Full-time employee

WHAT ARE THE RISKS FOR BUSINESS & INDUSTRY WHEN PARTICIPATING IN WORK-BASED LEARNING PROGRAMS?

There are risks involved in everything that business and industry undertakes. Involving youth or adults in work-based learning programs can introduce additional risks to participating businesses and industries, sponsoring organizations and agencies, and even participants.

Some factors for these added risks could include (adapted from National Institute For Occupational Safety and Health):

1. Youth typically work at a series of part-time jobs, often going to their jobs after putting in a full day at school.
2. Many of the industries that employ large numbers of teens (such as retail, food service, and manufacturing) have higher-than-average injury rates for workers of all ages.
3. Child labor laws, intended to provide extra safeguards for working youth, provide limited protection. Employers need to be well-informed about these laws, and they should adapt their hiring and supervising practices in order to be in compliance.
4. As new workers, youth are inexperienced and unfamiliar with many of the tasks assigned, workplace hazards, and their rights as workers.
5. New workers, who are also more reluctant to ask questions or make demands of employers, may take on tasks which they may not be prepared to do or be capable of doing safely.
6. Studies show that youth generally do not receive adequate occupational health and safety instruction either in school or on the job.

Despite these potential risk factors involving youth in the workplace, both the insurance industry loss history and MIOSHA injury incidence rates indicate that "young people have injury incidence rates at or below those of adult workers." MIOSHA's analysis of injury rates is that regardless of age, more than half of injured workers had less than one year on the job and/or had not had any safety training.

Regulatory compliance, injuries to participants, and participant negligence are the three primary areas of potential risks involved with the participation of youth in the workplace.

Regulatory compliance

There are local, state, and federal statutes, regulations, and court decisions which set standards for employers, schools, and agencies when they engage youth in a work setting. The Federal Fair Labor Standards Act, Michigan Youth Employment Act, and Michigan Occupational Safety and Health Act are the three primary laws that regulate youth employment.

Fair Labor Standards Act

The primary law governing the employment of workers under age 18 is the Fair Labor Standards Act, which is enforced by the Wage Hour Division within the U.S. Department of Labor. Child labor provisions of this act are designed to:

- Protect the educational opportunities of minors,
- Prohibit their employment in certain jobs and under conditions that could harm their health or well-being,
- Establish minimum ages for general and specific types of employment,
- Regulate the number of hours and times of day that a minor under 16 years of age may work,
- Prohibit minors from working in hazardous employment activities,
- Allows minors 16 and 17 years of age to work in some hazardous employment activities if they are part of an approved vocational cooperative education or a registered apprenticeship program,
- Pay minors at least minimum wage.

Michigan Youth Employment Standards Act

The primary law in Michigan governing the legal employment and protection of youth in Michigan is contained in Youth Employment Standards Act and Youth Employment Standards rules. Michigan's child labor provisions are enforced by the Wage and Hour Division within the Wage Hour Division, Bureau of Safety and Regulations.

Michigan's child labor laws adhere closely to the federal provisions, but do include some unique and more restrictive provisions. According to Michigan law:

- Work permits (and age certificates) are required in Michigan for working minors,
- The number of hours and times of day that 16 and 17 year old minors may work are regulated,
- There are stricter standards in construction, manufacturing, and in health-care related occupations,
- Exemptions from state child labor laws are allowed for student/learners under a contract or training agreement (cooperative education), but the provisions of federal child labor law must still be met,
- "Deviations" are allowed for some hazardous work and for the times of day that 16 and 17 year old minors may work.

Michigan Occupational Safety and Health

The federal Occupational Safety and Health Act of 1970 permits a state to manage its own occupational safety and health program. The Michigan Occupational Safety and Health Act (MIOSHA), Act 154 of 1974, provides for administration and enforcement of occupational health and safety standards in Michigan.

The purpose of Michigan's Occupational Safety and Health Act is to assure every working person a safe and healthful working environment and to preserve

human resources. Occupational health rules and regulations require specific conditions in the workplace or the use of specific practices, methods, or processes to promote safe work. Employers are responsible for becoming familiar with standards applicable to their establishments and for ensuring a safe work environment.

MIOSHA is enforced by two units in the Michigan Department of Consumer and Industry Services: Division of Occupational Health and Bureau of Safety and Regulations

Other regulations

Other laws and regulations also impact the design of work-based learning, these and others need to be considered:

- Michigan's minimum wage law does not apply to minors under the age of 18.
- Various occupational licensing provisions or codes (auto mechanics, nursing home, etc.) allow minors to train under special conditions, restrict training, or limit work hours.
- School code under the School State Aid Act requires related instruction and monitoring by certified staff in order for time spent by a high school student at the worksite to be counted toward a school district's membership count.

Penalties

Laws and regulations are established to provide standards for the well-being of youth in the workplace. But employers who willfully violate any federal and state child labor provisions are subjected to a civil penalty of not more than $10,000 for each violation. In addition to child labor laws, Michigan Workers' Compensation penalizes employers of illegally hired/employed minors by doubling the compensation due the injured worker.

Technical Assistance

The Michigan Department of Consumer and Industry Services, the U.S. Department of Labor, the Michigan Department of Education, and other agencies encourage businesses and industries to contact them directly with regulatory compliance questions.

Injuries to participants

Employers need to exercise care to supervise participants and to enforce rules and regulations necessary for participant protection, including anticipating potential hazards that may cause injuries.

Participant negligence

The acts of participants may result in accidents which may cause injuries and/or damages. Appropriate training and supervision of participants and adequate insurance coverage can reduce this risk.

Applicability of laws

Applicability of federal and state employment laws depends on each statute's definition of an "employee" (a participant may be considered an employee for one law but not for another). The following guidelines and terminology should be used in determining which would apply in particular work-based programs:

- Participants who are involved in activities occurring at the workplace that do not involve performance of work are not "employees" subject to the Fair Labor Standards Act (i.e. field trips, job shadowing).
- Participants may work at a workplace as "unpaid trainees" under the Fair Labor Standards Act. If all six criteria of a trainee apply, all provisions of the FLSA would not apply.
- Workers' compensation laws provide a means of recovery for injured workers which may include volunteers and unpaid trainees.
- Occupational and hours standards established for minors by federal and state child labor laws technically apply to only "employed" participants, but employers should follow these standards as a means to prevent injuries to minors.
- The Michigan Occupational Safety and Health Act defines an "employee" as any person permitted to work by an employer. This can include volunteers and unpaid trainees.
- Michigan Employment Security Act does not consider high school cooperative education students, minors working part-time and during summer months, and students of any age who are receiving credit on cooperative education through a recognized college or univeristy program as employment. Wages earned from these "non-employment" jobs are also exempt from state and federal unemployment taxes.

HOW TO MANAGE THE RISKS--A RISK MANAGEMENT PLAN:

Risk management is synonymous with good program management. The purpose of developing a written risk management plan is to 1) identify potential risks, 2) develop plans to prevent accidental injuries or damage, and 3) reduce the risk of legal accountability. A risk management plan will include risk control measures and risk finance.

Risk control guidelines

Risk control guidelines are those policies and procedures that attempt to control the frequency and severity of physical injury or property damage loss.

Parties involved in work-based learning programs need to jointly develop risk management plans. Most schools have procedures and policies for field trips, cooperative education programs guidelines, and other programs that could be adapted into a comprehensive plan to serve all parties. Employers may need to

develop their own risk management plan if they participate with a variety of schools with different policies and procedures.

The following are suggested as key results of a risk management plan:

1. Student participants know what is expected of them. They have a position description, operate within those bounds, and are confident that they will be treated with respect and dignity,
2. Roles and responsibilities of parties (employers, supervisors, teachers. coordinators, principals, parents, etc.) need to be identified and communicated to all involved. Detailed training agreements, training plans, parent permission slips, and other documentation specify responsibilities,
3. Student participants know how to, and are able to, perform their assigned duties properly and safely. They have been trained and equipped appropriately so that they have the knowledge, skills, and tools to do their jobs,
4. Participants know when and how to report problems or suggest changes. They are expected to recognize hazards and are encouraged to follow appropriate health and safety rules,
5. Programs need to be designed, developed, administered, and operated with due care to foresee dangers to students and comply with the federal and state employment laws.

MIOSHA Programs

The MIOSHA program within the Michigan Department of Consumer and Industry Services has professional trainers and consultants available at no charge to work with business, industry, schools, and other groups or individuals to orient them to workplace safety and health requirements. Sample written programs, videos, and other materials are also available. To obtain these services, call the Division of Occupational Health at (517) 335-8250 or the Safety Education and Training Division at (517) 322-1809.

Legal Duties

Businesses and industries who are involved in work-based learning programs must exercise due care to foresee hazards and dangers to participants and to take whatever steps and/or precautions seem reasonable to avoid these risks. The following strategies will reduce liability exposure and demonstrate a commitment to a safe and healthful environment:

- The greater the possibility of injury, the greater the efforts should be made to assure safety.
- Risks should be brought to the attention of all parties (participants, parents, supervisors, school personnel, etc.)
- The degree of care required and need for close and direct supervision increase as the age, maturity, and abilities of students involved decrease.
- The degree of care required and need for close and direct supervision increase at the worksite when participants are performing hazardous work.
- Emergencies should not be aggravated by indecision or a lack of procedures to handle any reasonably expected injury.

Risk Management Plan Components

The following planning matrix can be used to develop appropriate risk management plans.

Field Trip Job Shadowing Programs	Volunteer Unpaid Trainee Programs	Cooperative Education School-to-Apprenticeship Programs
Management and Supervision Issues		
Policy and Procedures		
Training		
Transportation		
Program Compliance and Coordination		

Risk Financing Guidelines

Risk financing are those plans that provide for the financing of a potential loss. A complete risk management plan requires adequate insurance coverage and use of liability shields.

Insurance Coverage

Adequate insurance coverage for any type of work-based learning programs can be arranged (negotiated) by working in conjunction with an agent or broker who is familiar with the program(s) and with the schools or agencies who may be parties to the program. The first step would be to determine the extent to which present insurance policies provide sufficient protection and the need for obtaining additional coverage for any unprotected risk.

The following is an overview of the types of insurance that need to be in place to cover the activities in work-based learning:

Injury to participants.

Participants injured at the worksite may need medical attention. If they are considered employees, expenses will ordinarily be paid by workers' compensation. For student/visitors, volunteers, or certain unpaid trainees,

expenses are usually paid by the injured individual's (or parents') health insurance policy. Most business and industry "medical payments" provisions of their General Liability Policy would also provide similar coverage for non-employee participants.

Coverage for Lawsuits

General Liability Policies pay claims and provide legal defense against most types of suits brought against a company and its employees, but such policies do not usually cover student/visitors, volunteers, or certain unpaid trainees. Amendments may extend the coverage to student/visitors, volunteers, and unpaid trainees.

Workers' Compensation in Michigan

The purpose of the Workers' Disability Compensation Act in Michigan is to provide coverage to employees when they sustain injuries that arise out of, and in, the course of employment. Employers are required to carry workers' compensation insurance when they have one (1) full time-time or three (3) part-time employees.

Paid cooperative education and apprenticeship participants would be covered under the Workers' Compensation Act. Unpaid trainees and volunteers who are actually performing service (working), but without compensation, may also be covered under the Act. Unpaid trainee and volunteer coverage under the Act would be determined on a case-by-case basis.

Although workers' compensation benefits are usually available only to paid employees, there are methods by which benefits can be calculated and awarded for volunteers and unpaid trainees.

Costs, if there are any, may be calculated on minimum wage, and costs would be negotiable between the parties involved.

Coverage under the Workers' Compensation Act also provides protection to the employer as well as the workers. Employers limit their liabilities under the Act because once the limited benefits are paid, the worker may <u>not</u> file additional lawsuits.

Liability Shields

Liability shields are used to assign responsibility from a business to another person or organization in case of an accident or property damage. Liability shields are used to protect both the finances of the company and good will in the community. The four common liability shields are waivers, consent forms, permission slips, and indemnification agreements.

Waivers

Waivers are documents in which participants sign away their right to bring a lawsuit in the event of injury or damage. Waivers are not effective tools to use in

working with young people because courts seldom allow them to excuse negligent or a duty owed a minor.

Consent Forms

"Informed" consent forms are documents that apprise the participant (and parents or guardians) in detail of the risks involved in the activity that he/she is about to perform. Participants sign the document indicating that they have read and understand the risks involved and agree not to bring a lawsuit for any harm resulting from the identified risks. Consent forms are generally upheld by courts, but they do not excuse a company from responsibilities for its own negligence. Examples would be consent forms to allow students to ride with a parent volunteer on a field trip, or use of a training agreement for a teen to work as an unpaid trainee.

Permission Slips

Permission slips are documents that inform parents and guardians about the nature, location, and details of an activity. Permission slips are helpful as a form of protection to a company--a well-informed parent or guardian may not be as likely to bring suit. Permission slips would be used to inform parents and guardians about student field trips and job shadowing events.

Indemnification Agreements

Indemnification agreements are used to shift financial burden for injuries or damages arising from activities from one party to another. The organization that signs the agreement must have both an insurance policy and the proper funds to honor the commitment to indemnify. Legal counsel or risk management representatives should be consulted before signing an indemnification agreement.

RESOURCES

Fact sheets on a variety of topics related to work-based learning programs have been developed by various agencies who developed this guide to assist business and industry representatives, risk managers, parents, and program managers:

Currently Available:

- Federal Guide for Employing Teenagers
- Federal Child Labor Laws in Farm Jobs
- Guide for Employing Teenagers in Michigan
- Work Permits in Michigan

Under Development:

- Guide for Cooperative Education and Apprenticeship Programs
- Guide for Job Shadowing
- Guide Protecting Working Teens (Health and Safety Program)
- Guide for Community Service and Service Learning Programs
- Model Risk Management Plans

REFERENCES

Beyer, D. (1995). *Understanding and Applying Child Labor Laws to Today's School-to-Work Transition Programs.* Berkeley, CA: The National Center for Research in Vocational Education.

Children's Safety Network, Massachusetts Department of Public Health. (1995). *Protecting Working Teens: A Public Health Resource Guide.* Newton, MA: Authors.

Fraser, B, Charner, I, Rose, K., Hubbard, S., Menzel, S. (1994). *Minor Laws of Major Importance: A Guide to Federal and State Child Labor Laws.* Dubuque, IA: Kendall/Hunt Publishing.

Michigan Agricultural Marketing Association, Inc. (1993). *RCAP Farm Manual for Michigan Farmers.* Lansing, MI: Michigan Farm Bureau.

Michigan State Board of Education. (1995). *A Guide to Work-based Learning Programs: Part I–Occupational Programs.* (First Edition) Lansing, MI: Author.

Michigan State Board of Education. (1995). *A Guide to Work-based Learning Programs: Part II–Career Exposure.* (First Edition) Lansing, MI: Author.

Minnesota Commission on National and Community Service. (1994). *A Guidebook: Building Workers and Citizens for the 21st Century.* St. Paul, MN: Minnesota Department of Education.

National Institute For Occupational Safety and Health. (1995) *NIOSH ALERT: Preventing Deaths and Injuries of Adolescent Workers.* Cincinnati, OH: Author.

Seidman, A., Tremper C. (1994). *Legal Issues for Service Learning Programs.* Washington D.C.: Nonprofit Risk Management Center.

Strope, John. (1994) *School Activities and the Law.* Reston, VA: The National Association of Secondary School Principals.

Tremper, C., Seidman, A., Tufts S. (1994). *Managing Volunteers Within the Law.* Washington D.C.: Nonprofit Risk Management Center.

Tufts, S., Tremper, C., Seidman A., Kahn, J. (1994). *Legal Barriers to Volunteer Service.* Washington D.C.: Nonprofit Risk Management Center.

U.S. Departments of Education and Labor (1995). *A Guide to Work-Based Learning and the Fair Labor Standards Act.* Washington D.C.: Office of the Solicitor and the Employment Standards Administration of the Labor Department.

Witmer, J. and Anderson, C. (1994). *How to Establish a High School Service Learning Program.* Alexandria, VA: Association for Supervision and Curriculum Development.

YOUR COMMENTS, PLEASE

The first edition of this guidebook was developed for dissemination at the June 20, 1996 Michigan Governor's School-to-Work Conference held at the Lansing Center. We would like your comments and feedback so that we can update and improve the guidebook for regional workshops that will be held this October-November throughout Michigan.

1. What part(s) of the guide did you find useful?

2. What part(s) of the guide did you find to be unclear?

3. What additional information do you think belongs in the guide?

4. Do you think this guide will encourage business/industry to engage more students in the workplace? ( )yes ( )no Briefly explain.

5. What part(s) of the Fact Sheets did you find helpful?

6. How could the Fact Sheets be improved?

7. Other comments:

Please return this form before August 15, 1996 to:

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To ensure educational equity, this document has been reviewed to eliminate bias or stereotyping.

Michigan State Board of Education

Statement of Assurance of Compliance with Federal Law

The Michigan State Board of Education complies with all Federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education. It is the policy of the Michigan State Board of Education that no person on the basis of race, color, religion, national origin or ancestry, age, sex, marital status or disability shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to, discrimination in any program or activity for which it is responsible or for which it receives financial assistance from the U.S. Department of Education.